

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM BRISCO,	§
	§
Defendant Below-	§ No. 162, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0504018114
Plaintiff Below-	§
Appellee.	§

Submitted: December 14, 2006

Decided: January 30, 2007

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 30th day of January 2007, upon consideration of the appellant's Supreme Court Rule 26(c) brief, his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) A Superior Court jury convicted the defendant-appellant, William Brisco (Brisco), of two counts of first degree robbery and acquitted him of two other counts of first degree robbery. Brisco testified at trial and, during cross-examination, admitted to committing one of the robberies. After a presentence investigation, the Superior Court sentenced Brisco to a total period of fourteen and a half years at Level V incarceration, to be

suspended after serving ten years for probation. This is Brisco's direct appeal.

(2) Brisco's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Brisco's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Brisco's attorney informed him of the provisions of Rule 26(c) and provided Brisco with a copy of the motion to withdraw and the accompanying brief. Brisco also was informed of his right to supplement his attorney's presentation. Brisco has not raised any issues for this Court's consideration. The State has responded to the position taken by Brisco's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: (a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) this Court must conduct its own review of the record and determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

* *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

(4) This Court has reviewed the record carefully and has concluded that Brisco's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Brisco's counsel has made a conscientious effort to examine the record and the law and has properly determined that Brisco could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/Henry duPont Ridgely
Justice